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T. Gregory Peterson, Ph.D., J.D.

July 24, 2006

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Via Express Mail No. EV445074185US

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**Re: NATIONAL PHASE APPLICATION OF PCT/US2004/22460 UNDER
35 USC 371 TITLED IDENTIFICATION OF REAGENTS FOR THE
DIAGNOSIS AND STUDY OF FRANCISELLA**

| | |
|-----------------------|-------------------------------------|
| Applicants: | ENGLER, Jeffrey ESCUYER, Vincent |
| U.S. Application No.: | 10/564,950 |
| Att. Docket No.: | P69085US01GP |

Dear Sir:

Enclosed herewith are the following:

- (1) a signed combination declaration and power of attorney regarding the above referenced patent application;
- (2) a copy of the Notification of Missing Requirements Under 35 U.S.C. 371;
- (3) Fee transmittal form;
- (4) Transmittal form;
- (5) Check; and
- (6) Return postcard.

07/31/2006 HKAYPAGH 00000071 10564950

01 FC:2617

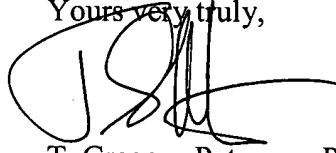
65.00 OP

July 24, 2006

Page 2

Thank you for your cooperation and assistance in this matter. Please do not hesitate to call if you have any questions.

Yours very truly,

A handwritten signature in black ink, appearing to be 'TGP', with a long horizontal flourish extending to the right.

T. Gregory Peterson, Ph.D.
Registration No. 45,587

TGP/cbp
Enclosures

cc: William White (with enclosures)
Jeffrey Engler, Ph.D. (with enclosures)



7-25-06

cc: W White
Page 1 of 2(sent POA ltr by e-mail
6-14-06)

PCT\$

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/564,950 | Jeffrey Engler | P69085US01GP |

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/US04/22460

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 07/14/2004 | 07/14/2003 |

Bradley Arant Rose & White LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2104

CONFIRMATION NO. 2110

371 FORMALITIES LETTER



OC000000019135941

Date Mailed: 06/07/2006

8-7-2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/17/2006
- Preliminary Amendments filed on 01/17/2006
- Information Disclosure Statements filed on 01/17/2006
- Biochemical Sequence Diskette filed on 01/17/2006
- Biochemical Sequence Listing filed on 01/17/2006
- Small Entity Statement filed on 01/17/2006
- U.S. Basic National Fees filed on 01/17/2006
- Priority Documents filed on 01/17/2006
- Specification filed on 01/17/2006
- Claims filed on 01/17/2006
- Abstracts filed on 01/17/2006
- Drawings filed on 01/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/564,950 | PCT/US04/22460 | P69085US01GP |

FORM PCT/DO/EO/905 (371 Formalities Notice)



IAP6 Rec'd PCT/PTO 24 JUL 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/564,950

Filing Date

1/17/2006

First Named Inventor

Engler, Jeffrey

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

P69085US01GP

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):Declaration
Return Postcard
Cover Letter**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Bradley Arant Rose & White, LLC

Signature

Printed name

T. Gregory Peterson, Ph.D., J.D.

Date

July 24, 2006

Reg. No.

45, 587

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

T. Gregory Peterson, Ph.D., J.D.

Date

July 24, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 65.00**Complete if Known**

| | |
|----------------------|------------------|
| Application Number | 10/564,950 |
| Filing Date | 1-17-2006 |
| First Named Inventor | Engler, Jeffrey |
| Examiner Name | Not Yet Assigned |
| Art Unit | Not Yet Assigned |
| Attorney Docket No. | P69085US01GP |

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-0954 Deposit Account Name: T. Gregory Peterson

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |
| Total Claims | | |
| - 20 or HP = _____ x _____ = _____ | | |
| HP = highest number of total claims paid for, if greater than 20. | | |
| Indep. Claims | | |
| - 3 or HP = _____ x _____ = _____ | | |
| HP = highest number of independent claims paid for, if greater than 3. | | |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| _____ - 100 = _____ | _____ / 50 = _____ | (round up to a whole number) x _____ | | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Surcharge for late submission of oath or declaration

Fees Paid (\$)

\$65.00

SUBMITTED BY

| | | | |
|-------------------|----------------------------------|--|------------------------|
| Signature | | Registration No. (Attorney/Agent) 45,587 | Telephone 205-521-8084 |
| Name (Print/Type) | T. Gregory Peterson, Ph.D., J.D. | | Date July 24, 2006 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

July 24, 2006

Page 3



CERTIFICATE OF EXPRESS MAILING

I hereby certify that the following items are enclosed:

- | | |
|--|----------------|
| 1. Cover Letter (including this page) | <u>3</u> pages |
| 2. Combined Declaration/Power of Attorney | <u>2</u> pages |
| 3. Copy of Notification Missing Requirements | <u>2</u> pages |
| 4. Fee Transmittal Form | <u>1</u> page |
| 5. Transmittal Form | <u>1</u> page |

Total 5 Documents

9 pages

(plus a check and return postcard)

and are being deposited with the "Express Mail Post Office to Addressee" service of the United States Postal Service in an envelope marked **EV445074185US** addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on July 24, 2006.

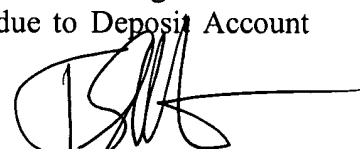
Date: 7-24-06



T. Gregory Peterson
Registration No. 45,587

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is authorized to pay any charges, fees, or sums due in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954.



T. Gregory Peterson
Authorized User of Deposit Account 50-0954